

## APPENDIX B

### Statement of Work

Dated: March 31, 2009

#### Tasks and Deliverables:

The subcontractor shall provide advice and consultation to LANS in the following areas:

- Provide advice to LANS senior management on Threat Reduction strategies at LANL.
  - Reporting to the Associate Director for Threat Reduction, the consultant will advise Laboratory leadership on the relevance and appropriateness of activities conducted in the Threat Reduction program sector in light of the Laboratory's mission and national requirements.
  - The consultant will provide advice regarding strategic directions for TR programs and related scientific and technical activities at Los Alamos.
  - The consultant will provide advice based on her experience and knowledge in the following areas:
    - Threats from weapons of mass destruction and other emerging threats to the United States, its forces, and allies.
    - Detection and monitoring of foreign WMD programs, and compliance with nonproliferation agreements.
    - Prevention of the spread of technologies, materials, and expertise that can contribute to the proliferation of WMD and other emerging threats.
    - Federal agency needs for technology to attack and defeat military threats across a broad spectrum, ranging from terrorism to smaller-scale contingencies to major conventional military attacks.
    - Federal needs for technologies to protect the US government, people, and key infrastructure against attacks by WMD and attacks against critical cyber or physical infrastructures.
- Provide advice to LANS senior management on other National Security issues.
  - Consulting Director for International Policy and National Security Office (formerly NSO).
  - Provide independent and professional advice on the stewardship and operation of the DOE and DoD nuclear missions in the areas of nuclear expertise and readiness.
  - Understand the US nuclear deterrence policy as set forth in the National Security Strategy and National Defense Strategy and how LANL may be better positioned to assist with new technologies.
  - Understand the formulation of our national security and national military strategies to better posture LANL for future strategic technical decisions.
  - Plan with LANS senior management to ensure that sufficient resources are allocated where applicable to better assist DOE and DoD technical expertise for nuclear detection and attribution.
  - Assist LANL Director with better understanding of the significant consequences for international relations and global balances of power arising from existing and future threats such as terrorism, future nuclear arsenals, and political tensions.

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- Provide a venue for interaction and policy-related discussions with DC policy makers in the area of US strategic posture, deterrence, political dynamics, growing demands for nuclear energy, and current proliferation risks.
- Provide insight into the Obama Administration's decisions about the US nuclear posture and the effects it will have on nuclear proliferation and the challenging work ahead for nuclear weapons laboratories.
- Provide insight into the decisions made pertaining to:
  - START I extension or START II including verification regime, reduction mandates, and bi-lateral decisions,
  - future ratification of the Comprehensive Test Ban Treaty (CTBT); and
  - Fissile Material Cut-off Treaty (FMCT).

### **Prohibited Activities:**

The Subcontractor shall not engage in any activity in any way related to obtaining, retaining, or facilitating business or business opportunities for Los Alamos National Security, LLC inside or outside the United States. At no time during performance of this subcontract shall the Subcontractor say or do anything that suggests that the Subcontractor is acting for or on behalf of Los Alamos National Security, LLC (LANS). The subcontractor shall not transfer or offer to transfer anything of value to any employee, officer or representative of any customer or potential customer of LANS for any purpose related to any LANS activity or performance of this subcontract.

Under no circumstance may the Subcontractor specifically aid in influencing or enacting legislation. They may not perform activities with legislators, or legislative personnel who are involved in the authorization and appropriation process or who otherwise participate in activities involving LANS business.

They Subcontractor shall not perform work of a policy making, decision-making, managerial, or supervisory nature, nor may they approve or disapprove actions that commit or expend Laboratory funds.

Consultant services shall consist solely of advice and consultation. No hands-on work or implementation of any kind shall be performed by the consultant.

**NON-COMPETITIVE JUSTIFICATION**  
**Procurement Request (PR) Number: 75054-REQ-09**

**DIRECTIONS FOR COMPLETING THIS FORM**

A procurement action is non-competitive when the Procurement Specialist (PS) solicits a quotation or proposal from only one supplier.

A Non-Competitive Justification (NCJ) form must be completed by the Requester, with assistance from the PS if necessary:

- (1) for all new non-competitive procurements greater than or equal to \$100,000. This requirement is not applicable to a task order when the scope and ceiling of the task order is within the scope and ceiling of the master task order agreement.
- (2) when an existing subcontract / purchase order or master agreement / blanket subcontract whose initial value/ceiling is less than \$5M is modified and the cumulative value of the proposed modification and those of previous modifications is equal to or exceeds \$100,000. A new NCJ is required for any proposed modification thereafter when the cumulative value of the proposed modification and previous modifications awarded after the last submission of an NCJ is equal to or exceeds \$100,000.
- (3) when an existing subcontract/purchase order or master agreement / blanket subcontract whose initial value/ceiling is equal to or greater than \$5M is modified and the cumulative value of the proposed modification and those of previous modifications is equal to or exceeds \$500,000. A new NCJ is required for any proposed modification thereafter when the cumulative value of the proposed modification and previous modifications awarded after the last submission of an NCJ is equal to or exceeds \$500,000.

The Requester must complete all sections below before seeking approvals. Additional pages may be attached if needed to provide required information.

If any information needs to be changed after the Requester signs the form and submits it for approvals, the entire form must be returned to the Requester for revision and reissue. Forms with changes will not be processed.

The Requester must obtain the approval of his/her Division Leader and Associate Director prior to submitting this form to Acquisition Services Management (ASM) Division. The Requester must not send this form directly to ADBS or the Director's Office. ASM will obtain approvals from ADBS and the Director's Office, if required.

Per AP 3300, the PS is responsible for the integrity of the procurement process; therefore, the PS will make the final decision to conduct the procurement as either competitive or non-competitive.

Note: ASM Form 3490.00.1299, Acquisition Services Management Review and Approval Sheet, shall not be used for obtaining required approvals of this form. **Approving individuals must sign this form.**

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**SECTION A — GENERAL INFORMATION**

Procurement Request (PR) Number: 75054-REQ-09

Dollar amount of PR: \$136,290.00

Requester's name and organization: Richard A. Marquez, Executive Director, Director's Office

Proposed supplier and supplier's address: Heather Wilson & Co., LLC  
9220 Guadalupe Trail N.W.  
Albuquerque, NM 87114

This justification applies to:

- ☒ (1) above  
☐ (2) above  
☐ (3) above



**NON-COMPETITIVE JUSTIFICATION**  
**Procurement Request (PR) Number: 75054-REQ-09**

If PR is for a modification, PO/Subcontract number: N/A

If PR is for a modification, current amount of PO or Subcontract: N/A

**SECTION B — BRIEF EXPLANATION OF THE REQUIREMENT**

The LANL Director wishes to establish a subcontract with the proposed supplier to provide advice to senior LANL management on national security, homeland security, and threat reduction issues.

**SECTION C — BRIEF SUMMARY OF MARKET SURVEY CONDUCTED TO DETERMINE AVAILABLE SOURCES**

A market survey has not been undertaken; primarily because of the Mrs. Wilson's unique knowledge and expertise. Mrs. Wilson has the necessary training and expertise from her historical association in which she represented New Mexico in the U.S. Congress from 1998-2009. During her ten years in the House, Wilson was a prominent leader on a broad range of National Security issues. For six years she Chaired the House Republican Policy Committee on National Security and Homeland Security. In addition, Mrs. Wilson participated on the Permanent Select Committee on Intelligence and chaired the subcommittee on Technical and Tactical Intelligence. This subcommittee's principal responsibility was for reviewing, overseeing and authorizing the intelligence programs of the National Security Agency (NSA), the National Reconnaissance Office (NRO), the National Geospatial Intelligence Agency (NCG), the CIA office of Science and Technology, the Defense Intelligence Agency (DIA) and special technical programs. No other source has this unique combination of knowledge and expertise to satisfy our requirements.

**SECTION D — REASON(S) WHY COMPETITION IS NOT SOUGHT**

Check applicable reason(s):

- ☒ **The market consists of only one supplier that is capable of performing and wishes to compete for award.**  
Provide facts in Section E below that led to this conclusion.
- ☐ **Compelling urgency exists and the time available is insufficient for soliciting competition.**  
Examples of compelling urgency include instances where there are schedule, security, regulatory, or environmental safety and health issues that could result in a significant negative impact to the Laboratory if there is a delay in award. Schedule restraints due to lack of planning does not constitute compelling urgency. Provide facts in Section E below that led to this conclusion and state when the requirement became known to the Requester.
- ☐ **Standardization of parts and/or compatibility with existing equipment, or replacement parts provided by the original manufacturer of the equipment to be repaired.**  
The requested product is an integral repair part or accessory that must be compatible with existing equipment.  
Description of existing equipment:  
Manufacturer and model number:  
Age of existing equipment or current value:  
  
Provide details in Section E below to demonstrate the unique functional or performance requirements and or component parts that must be met for the use of the requested product. Attach copy of warranty or repair or service agreement if helpful to justification.
- ☐ **Follow-on work for continued development or enhancement of goods or services when it is likely that award to a source other than the incumbent subcontractor would result in substantial duplication of costs that would not be recovered or would cause unacceptable delays in fulfilling the program needs.**



**NON-COMPETITIVE JUSTIFICATION**  
**Procurement Request (PR) Number: 75054-REQ-09**

Provide facts in Section E below that led to this conclusion.

- ☐ **Authorized or required by statute.**  
Provide facts in Section E below that led to this conclusion.
- ☐ **National security.**  
Provide facts in Section E below that led to this conclusion.
- ☐ **Public interest.**  
Provide facts in Section E below that led to this conclusion.
- ☐ **International Agreements.**  
Provide details in Section E below to demonstrate such agreement and PS will validate.
- ☐ **Set-aside award to a small business concern in accordance with LANS AP 3193, Set-Asides.**

Applicable North American Industry Classification System (NAICS) code:

- ☐ The supplier is a HUBZone small business concern and the award, including options, will not exceed \$5 million for a requirement within the North American Industry Classification (NAICS) codes for manufacturing or \$3 million within any other NAICS code; only one HUBZone concern can satisfy the requirement; the requirement is not currently being performed by a non-HUBZone small business concern; and the award can be made at a fair and reasonable price.
- ☐ The supplier is a Service-Disabled Veteran-Owned small business concern and the award is for \$3 million or less (\$5 million or less for manufacturing based on the applicable NAICS code); only one SDVOSB can satisfy the requirement; and the award can be made at a fair and reasonable price.
- ☐ The supplier is an 8(a) concern and the award is for \$3.5 million or less (\$5.5 million or less for manufacturing based on the applicable NAICS code) and the 8(a) concern is offering a fair and reasonable price for the required goods or services.

The Acquisition Services Small Business Program Office will validate the small business status of the supplier.

**SECTION E — DETAILED JUSTIFICATION FOR NON-COMPETITIVE PROCUREMENT**

Mrs. Wilson has the necessary training and expertise from her historical association in which she represented New Mexico in the U.S. Congress from 1998-2009. During her ten years in the House, Wilson was a prominent leader on a broad range of National Security issues and chaired the subcommittee on Technical and Tactical Intelligence. In addition, Ms. Wilson has national security related experience dating back to her military service beginning in 1985. Ms. Wilson served in several different military positions in Europe and Washington DC from 1985-1991. From 1989-1991 Ms. Wilson served on the National Security Council staff as the Director, Defense Policy and Arms Control. After leaving the military Ms. Wilson started her own company consulting with American defense and scientific companies doing business in the U.S. and the former Soviet Union. From 1998 through 2008 Ms. Wilson served as a Representative for New Mexico's 1st Congressional District. During her tenure in Congress Ms. Wilson served on committees that dealt with national security issues, e.g. Chair (2005-6) and Ranking Member (2007-8) of Technical and Tactical Intelligence Subcommittee of House Permanent Select Committee on Intelligence, responsible for oversight of classified technical Military and National Intelligence; Served 4 years on House Armed Services Committee (2001-2004) with focus on military oversight and strategic weapons programs. Ms. Wilson's background and experience provide her with a unique wealth of knowledge in the national security arena.

NON-COMPETITIVE JUSTIFICATION  
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**SECTION F — BRIEF STATEMENT OF IMPACT TO PROGRAM IF THE REQUESTED ITEM OR SERVICE IS NOT PROCURED FROM THE PROPOSED SOURCE**

LANL senior management will not have access to the advice and assistance from a unique knowledge source in the national and homeland security arena. This is a growth area in LANL's mission and LANS desires to have the expert counsel of Ms. Wilson based on her extensive and unique experience in these areas.

**APPROVALS REQUIRED FOR ALL PROCUREMENT ACTIONS ≥ \$100,000:**

	131593	3/25/09
Requester (Signature)	Z-number	Date

ASM Procurement Specialist (Signature)	Z-number	Date
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Requester's Division Leader (Signature)	Z-number	Date
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	131593	3/25/09
Requester's Associate Director (Signature)	Z-number	Date

	115544	3/25/09
ASM Purchasing or Subcontracts Manager (Signature)	Z-number	Date

**ADDITIONAL APPROVAL REQUIRED FOR ALL PROCUREMENT ACTIONS EXCEEDING \$500,000:**

Doris Heim, Associate Director Business Services (Signature)	Date
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**ADDITIONAL APPROVAL REQUIRED FOR ALL PROCUREMENT ACTIONS EXCEEDING \$1,000,000:**

Michael R. Anastasio, LANL Director (Signature)	Date
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Or		3/25/09
	* (Signature)	Date

I. E. Richardson, Lanl Deputy Director